

60,130-1109
01MRA0216REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claims 1-14 are cancelled. Claim 15 is amended above to address the Examiner's concerns under 35 U.S.C. §112 and does not raise any issues requiring further search or consideration. Claims 15-20 are currently pending in this application. Applicant respectfully requests reconsideration of this application.

The Examiner objected to the drawings, believing that they do not show the "duplex cam" assembly of claim 20. Applicant respectfully points the Examiner to the assembly 40 shown in Figures 1 and 2, which schematically illustrates a duplex cam arrangement. Duplex cam braking arrangements are generally known in the art and the illustration would be recognized as such by one skilled in the art.

Claims 15-20 were rejected under 35 U.S.C. §112 as being indefinite with regard to the "moveable driveline component" and "stationary driveline component" language. The Examiner also objected to the specification as not having antecedent basis for the claim language regarding a "moveable driveline component" and a "stationary driveline component."

Applicant respectfully submits that the specification and drawings, as originally filed and understood by one skilled in the art, provide sufficient explanation for what constitutes a moveable driveline component and a stationary driveline component. The description and drawings provide examples of stationary driveline components such as the transmission housing 22 and the axle assembly housing 54. The transmission housing, for example, does not move relative to other portions of the vehicle when it is fully assembled (i.e., it is a stationary component). A moveable driveline component

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such as the transmission output shaft 30 (i.e., a driveline shaft) was also described and illustrated. The transmission output shaft 30 rotates relative to the transmission housing in a known manner and, therefore, constitutes a moveable driveline component because it moves relative to the stationary component and relative to other portions of the vehicle. It should be noted that the example stationary and moveable components are not the only such components with which the inventive arrangement can be used.

Applicant has also addressed the Examiner's concern regarding the language "another portion" contained in claim 15 as originally presented.

Applicant respectfully submits that the claims and specification are entirely consistent and proper under 35 U.S.C. §112.

The rejection of claims 1-14 is moot.

Applicant respectfully traverses the rejection of claims 15 and 17-19 under 35 U.S.C. §102(e) as being anticipated by *Fleischer, et al.* *Fleischer, et al.* specifically teach in column 6, line 11-12, that it is for "actuating a wheel brake." That is not the same as a driveline parking brake that operates directly upon a moveable driveline component to selectively prevent movement relative to a stationary driveline component when the parking brake is applied. The claims are directed to a different braking application than that which is shown in *Fleischer, et al.* Therefore, the claims are not anticipated.

Applicant respectfully traverses the rejection of claim 16 under 35 U.S.C. §103 based upon the combination of *Fleischer, et al.* with *Bae*. As noted, *Fleischer, et al.* does not disclose a driveline braking arrangement. The addition of the teachings of *Bae* does not remedy this problem. Even the combination is not the same as the claimed invention.

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The rejection of claim 20 under 35 U.S.C. §103 as being unpatentable over the combination of *Bae* and *Fleischer, et al.* is also respectfully traversed. Applicant respectfully disagrees with the Examiner and submits that *Bae* does not disclose a moveable driveline component 27. In column 3, line 15, it is clear that the shaft 27 is a shaft about which the cam 25 of the braking arrangement moves. That is not a driveline component, but instead a brake system component. *Bae* is directed to a brake system only and nowhere provides any indication that it is useful for providing a parking brake feature that directly applies a braking force to a driveline component. *Fleischer, et al.* as noted above only applies to wheel brakes and the art does not in any regard suggest a parking brake arrangement for a vehicle driveline as claimed.

This case is in condition for allowance.

Respectfully submitted,

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Dated: March 7, 2003

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to Examiner Melanie Torres, Patent and Trademark Office (Fax No. (703) 308-2571) on March 7, 2003.


Theresa M. Palmateer

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APPENDIX 1

"VERSION WITH MARKINGS TO SHOW CHANGES MADE"
IN THE CLAIMS

15. (Amended) A vehicle driveline parking brake assembly, comprising:
- a moveable driveline component;
 - a stationary driveline component that remains stationary relative to [another] a portion of a vehicle;
 - a braking member associated with the moveable driveline component such that the braking member remains stationary relative to the moveable driveline component;
 - an engaging portion associated with the stationary driveline component, the engaging portion is selectively moveable into a braking position where the engaging portion engages the braking member;
 - a spring that biases the engaging portion into the braking position; and
 - an electrically powered actuator that selectively moves the spring and releases the engaging portion out of the braking position.

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*** TX REPORT ***

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Heaton, et. al.
Serial No.: 09/915,805
Filed: 07/26/2001
Group Art Unit: 3683
Examiner: Torres, Melanie
For: SPRING APPLIED ELECTRONIC RELEASE
PARKING BRAKE

REQUEST FOR RECONSIDERATION

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This paper is responsive to the Office Action mailed on December 16, 2002.

Please amend the application as follows:

IN THE CLAIMS

Please make the following changes to the claims. A marked up version of the